



**PLANNING COMMISSION
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING
Tuesday, April 19, 2016**

The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, April 19, 2016, at 505 Barton Spring Road, One Texas Center, Room #500, in Austin, Texas.

Commissioner Zaragoza called the meeting to order at 6:05 p.m.

Subcommittee Members in Attendance:

Fayez Kazi
Patricia Seeger

Nuria Zaragoza
James Schissler

City Staff in Attendance:

Greg Dutton, Planning and Zoning Department
Andrea Bates, Watershed Protection Department
Chris Herrington, Watershed Protection Department
Donelle Robinson, Watershed Protection Department
Andy Linseisen, Development Services Department
Leane Heldenfels, Development Services Department
Scott James, Development Services Department
Eric Bollich, Austin Transportation Department
Sandra Harkins, Neighborhood Housing and Community Development
Brent Lloyd, Law

Others in Attendance:

David King
Mary Ingle
Megan Meisenbach
Zoila Vega

AJ Bingham
Michael Fossum
Bobak Tehrani
Ron Szwey

1. CITIZEN COMMUNICATION: GENERAL

- a. None.

2. APPROVAL OF MINUTES

- a. Approval of the March 15, 2016 minutes.

A motion was made to approve the minutes by Commissioner Schissler, seconded by Commissioner Kazi. Vote: 4-0.

3. NEW BUSINESS

a. None.

4. POTENTIAL CODE AMENDMENTS: Proposed for Discussion and/or Initiation

Potential amendments to the code are offered for discussion and/or possible recommendation for initiation. If initiated, Staff will research the proposal and report back to the subcommittee.

- a. **Watershed Protection Ordinance Clean-Up** – Discuss and consider initiation of amendments to Title 25 and Title 30 to clarify portions of the code related to drainage and environment and remove conflicts and unintended consequences resulting from the 2013 Watershed Protection Ordinance. City Staff: Andrea Bates, Watershed Protection Department, 974-2291, Andrea.Bates@austintexas.gov (Discussion and/or Possible Action).

Andrea Bates went over a proposed code amendment that would address some cleanup and clarifications to the watershed protection ordinance that was adopted in 2013.

A motion was made to recommend the item to Planning Commission for initiation by Commissioner Seeger, seconded by Commissioner Kazi. Vote: 4-0.

- b. **Plain Language Rewrite of Findings of Fact** – Discuss and consider initiation of amendments to Chapter 25-8 and Chapter 30-5 to improve and clarify the findings of fact for land use commission variances. City Staff: Andrea Bates, Watershed Protection Department, 974-2291, Andrea.Bates@austintexas.gov (Discussion and/or Possible Action).

Andrea Bates went over a proposed amendment that would clarify how findings of fact are described for environmental variances being sought at Land Use Commission.

A motion was made to recommend the item to Planning Commission for initiation by Commissioner Seeger, seconded by Commissioner Kazi. Vote: 3-1 (Commissioner Schissler nay).

- c. **University Neighborhood Overlay Height** – Discuss and consider the initiation of an amendment to Title 25 of the Land Development Code to amend allowable building height in the Outer West Campus Subdistrict of the University Neighborhood Overlay District. Sponsor: Commissioner Schissler; co-sponsor: Commissioner Wilson (Discussion and/or Possible Action).

Commissioner Schissler outlined a proposed project that would need a code amendment to existing UNO regulations to be feasible. Greg Dutton explained that the only way for site-specific amendments to occur was through the normal code amendment process, because it would mean a change to the overlay regulations, and that it requires Commission to initiate the amendment, since there is no application process for individual property owners.

There were concerns from neighborhood stakeholders that an amendment would set a precedent for site-specific changes to an overlay that is supposed to be relatively uniform for the entire UNO area.

A motion was made to deny initiation of the item by Commissioner Seeger, seconded by Commissioner Kazi. Vote: 3-1 (Commissioner Schissler nay).

5. REGULAR AGENDA: Previously Initiated

Previously initiated amendments to the code are offered for discussion and possible recommendation to the full Planning Commission.

- a. **Eliza Springs SOS** – Discuss and consider a site-specific amendment to City Code Chapter 25-8, Article 13 (Save Our Springs Initiative), including variances from City Code chapters 25-8-281 and 25-8-341 for the Eliza Springs outlet daylighting project located generally within Zilker Park. City Staff: Chris Herrington, Watershed Protection Department, 974-2840, Chris.Herrington@austintexas.gov; (Discussion and/or Possible Action).

Donelle Robinson presented a site-specific amendment to the Save Our Springs regulations that would allow a daylighting project for Eliza Springs at Zilker Park. The project would expose Eliza Springs, which was previously buried, and add vegetation, improving salamander habitat. The impervious cover for the extent of construction will be reduced compared to what is currently at the site.

Some concern voiced over the composition and placement of trees, specifically the bald cypress, and commissioners asked that the issue be noted in the staff report when the item goes to full Planning Commission.

A motion was made to recommend the item to full Planning Commission by Commissioner Schissler, seconded by Commissioner Kazi. Vote: 4-0.

- b. **Traffic Mitigation** - Discuss and consider an amendment to Title 25 of the Land Development Code Title 25 relating to right-of-way dedications and transportation improvements required as a condition to mitigate the impacts of development approval. City Staff: Andy Linseisen, Development Services Department, 974-2239, Andy.Linseisen@austintexas.gov (Discussion and/or Possible Action).

Andy Linseisen went over a proposed amendment that would codify the concept of rough proportionality – where the city asks for improvements in proportion to the estimated impact of the development on the transportation network. Currently rough proportionality is used in practice, but it isn't established in the city's existing code. The proposed amendment would also allow city staff to ask for improvements to roads and ROW that are not necessarily adjacent to the proposed development, and allow staff to ask for improvements when there are fewer than 2000 trips per day.

Stakeholders from the development community were generally supportive of rough proportionality being explicit in the code, but had some concern over the additional improvements that can be requested for projects where trips are under 2000/day, and what those improvements might be.

A motion was made to recommend the item to full Planning Commission by Commissioner Seeger, seconded by Commissioner Kazi. A friendly amendment was made by Commissioner Schissler for the staff to conduct one more stakeholder meeting prior to taking the item to PC. The friendly amendment was accepted by the motion maker and second. Vote: 4-0.

- c. Board of Adjustment Special Exception Extension** - Discuss and consider an amendment to Title 25 of the Land Development Code to extend the period for which the Board of Adjustment may grant special exceptions and associated fee waivers. City Staff: Greg Dutton, Planning and Zoning Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action).

Greg Dutton went over a proposed amendment that would extend the date by one year for which BOA applicants can ask for a special exception, and also have their application fees waived. The special exception that BOA grants is used for setback encroachments that have existing for a certain period of time and pose threat to health or safety. The BOA suggested extending the time during which a special exception can be granted so that more homeowners could take advantage of the provision.

A motion was made to recommend the item to full Planning Commission by Commissioner Seeger, seconded by Commissioner Kazi. Vote: 4-0.

6. OTHER BUSINESS

- a. Update on potential upcoming and current code amendments** – City Staff: Greg Dutton, Planning and Zoning Department, 974-3509, Greg.Dutton@austintexas.gov; (Discussion and/or Possible Action).

7. FUTURE AGENDA ITEMS

Future agenda items will NOT be discussed at the current meeting, but will be offered for initiation, discussion, and/or possible recommendation to the full Planning Commission at a FUTURE meeting.

ADJOURNMENT

Commissioner Zaragoza adjourned the meeting without objection at 9:10 p.m.

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For more information on the Planning Commission Codes and Ordinances Subcommittee, please contact Greg Dutton at (512) 974-3509 or at greg.dutton@austintexas.gov